THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17527 of 2005

-

TUESDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FIVE

Between:

1. Kala Appa Rao, S/o. late Suranna,
   R/o. of Pallipalem Village, Kajuluru Mandal,
   East Godavari District.
2. Kada Subbayamma, W/o. late Satyanarayana,
   R/o. of Pallipalem Village, Kajuluru Mandal,
   East Godavari District.

..... PETITIONERS

AND

1 The Asst. Commissioner, Endowments Department, Rajahmundry.
2 Sri Krupeswara Swamy Temple, Rep by its Manager,
Injaram Village, Tallareru (M), East Godavari District.

.....RESPONDENTS

The Court, at the stage of admission, made the following:

Oral order:-

This writ petition is without merits. The petitioners claim to be cultivating tenants of the lands belonging to the 2nd respondent-Temple in extents of Ac.3-62 cents and Ac.02-85 cents of wet land in Pallipalem village, Kajuluru mandal, East Godavari district. On 01-04-2005 they were issued a notice under Rule 5 (1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Land Rules, 2003, intimating determination of their lease and calling upon them to deliver vacant possession of the lands of the 2nd respondent-Temple. The petitioners, though clearly disentitled to the benefits under Section 82 (2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1957, even on the basis of their actual lease hold holding of the 2nd respondent-temple lands, made a representation to the 1st respondent claiming to be landless poor persons and therefore to the benefits under Section 82 (2) of the Act. While so, the 2nd respondent issued a notice for auction of the lease hold rights of the temple property for a future term and the auction is scheduled on 10-08-2005. If the auction is conducted, the petitioners would be consequently dispossessed is the grievance urged in this writ petition.

The petitioners were issued a Form-I notice in April, 2005. They were, therefore, required to vacate the leased lands as their tenancy stood determined by the statutory declaration in Section 82 of the Act. Clearly, even on their admitted circumstances they are not landless poor persons, within the meaning of Section 82 of the Act and, therefore, are not eligible to claim any of the benefits under the said provision. There is thus no infirmity in the auction notice issued by the respondents, warranting interference in this writ petition.

There are no merits in the writ petition. The writ petition is accordingly dismissed. No costs.

_____

GODA RAGHURAM, J

Dt. 09-08-2005

Pvks/*